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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/330,860	06/11/1999	MICHAEL D. ELLIS	UV-69	9912

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EXAMINER	
GESESSE, TILAHUN	

ART UNIT	PAPER NUMBER
2684	17

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/330,860	ELLIS, MICHAEL D.	
	Examiner	Art Unit	
	Tilahun B Gesesse	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 April 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *29-32,61-64 and 92-95* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *29-32,61-64 and 92-95* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to applicant's amendment and response after final filed 2/12/04 , wherein claims 29—32,61-64 and 92-95 are pending.

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/20/04 has been entered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 29-32,61-64 and 92-95 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahisa et al "Takahisa" (5,812,937).

As to claim 29, Takahisa discloses a music distribution system (figure 19) in which music is distributed over a plurality of music channels to a number of users for playing by their user music equipment (column 20, lines 28-45 and figure 19), wherein each music channel has an associated data stream containing information on a plurality of music programs (abstract), the system comprising: Takahisa discloses a circuit in the user music equipment (receiver 19) for obtaining a first music program carried on a first

of the plurality of music program carried on a first of the plurality of music channels (tuner A 1904 of figure 19) and for obtaining the music information on a second music program that is not currently being played (tuner B 1906 of figure 19) with the first music channel while the first music program is being played by the user music equipment ((column 20 lines 28-45, column 21, lines 58-67 and figure 19). Takahisa et al disclose data streams associated with channel (105)(fig.19). Takahisa et al disclose an interactive music application (206 of fig.2) implemented at least in part on the user music equipment (col.7 line 43-col.8 line18), wherein the circuit is directed by the interactive (206) music application to obtain the music information on the second music program (data stream) and the music information on the second music program is displayed (300 of fig.3) by the user music equipment using the interactive music application while the first music program is being played by the user music equipment (col. 20 lines 45-col.21 line9 and fig.19). Takahisa discloses television (col.13 line 66-col.14 line 4).

As to claim 30, Takahisa discloses the music information on the second music program is displayed in a browse display (1902) by the user music equipment using the interactive music application while the first music program is being played by the user musical equipment (column 20, lines 61-67 and figure 19).

As to claim 31-32,Takahisa discloses the music information on the second music program is displayed in a full music information screen (receiver 1900 of figure 19) by the user music equipment using the interactive music application (1902) while the first

music program is being played by the user music equipment (column 20,lines 28-45 and figure 19)

As to claim 61, Takahisa discloses a music distribution system (figure 19) in which music is distributed over a plurality of music channels to a number of users for playing by their user music equipment (column 20, lines 28-45 and figure 19), wherein each music channel has an associated data stream containing information on a plurality of music programs (column 20, lines 28-45 and figure 19), the system comprising: Takahisa discloses a circuit in the user music equipment (receiver 1900 figure 19) for obtaining a first music program carried on a first of the plurality of music program carried on a first of the plurality of music channels (tuner A of figure 19) and for obtaining the music information on a second music program that is not currently being played (tuner B of figure 19) with the first music channel while the first music program is being played by the user music equipment ((column 20 lines 28-45, column 21, lines 58-67 and figure 19). Takahisa et al disclose data streams associated with channel (abstract). Takahisa et al disclose an interactive music application (206 of fig.2) implemented at least in part on the user music equipment (column 7 line 43-col.8 line18), wherein the circuit is directed by the interactive (206) music application to obtain the music information on the second music program (data stream) and the music information on the second music program is displayed (300 of fig.3) by the user music equipment using the interactive music application while the first music program is being played by the user music equipment (col. 20 lines 45-col.21 line9 and fig.19). Takahisa et al disclose television (col.13 line 66-col.14 line 4).

As to claim 62, Takahisa et al disclose the music information on the second music program is displayed in a browse display (1902) by the user music equipment using the interactive music application while the first music program is being played by the user musical equipment (column 20 , lines 61-67 and figure 19).

As to claims 63-64, Takahisa discloses the music information on the second music program is displayed in a full music information screen (1902) by the user music equipment using the interactive music application (1902) while the first music program is being played by the user music equipment (column 20,lines 28-45 and figure 19).

As to claim 92, Takahisa et al disclose a music distribution system (figure 19) in which music is distributed over a plurality of music channels to a number of users for playing by their user music equipment (column 20, lines 28-45), wherein each music channel has an associated data stream containing information on a plurality of music programs (column 20 , lines 28-45 and figure 19), the system comprising: Takahisa et al disclose a circuit in the user music equipment (receiver 1900 of figure 19) for obtaining a first music program carried on a first of the plurality of music program carried on a first of the plurality of music channels (tuner A 1904 of figure 19) and for obtaining the music information on a second music program that is not currently being played (tuner B 1906 of figure 19) with the first music channel while the first music program is being played by the user music equipment ((column 20 lines 28-45, column 21, lines 58-67 and figure 19). Takahisa et al disclose data streams associated with channel (abstract). Takahisa et al disclose an interactive music application (206 of fig.2) implemented at least in part on the user music equipment (col.7 line 43-col.8 line18),

wherein the circuit is directed by the interactive (206) music application to obtain the music information on the second music program (data stream) and the music information on the second music program is displayed (300 of fig.3) by the user music equipment using the interactive music application while the first music program is being played by the user music equipment (col. 20 lines 45-col.21 line9 and fig.19). Takahisa et al disclose television (col.13 line 66-col.14 line 4).

As to claim 93, Takahisa et al disclose the music information on the second music program is displayed in a browse display (1902) by the user music equipment using the interactive music application while the first music program is being played by the user musical equipment (column 20,61-67 and figure 19).

As to claims 94-95,Takahisa discloses the music information on the second music program is displayed in a full music information screen (1902) by the user music equipment using the interactive music application (1902) while the first music program is being played by the user music equipment (column 20, lines 28-45 and figure19).

Response to Arguments

Applicant's arguments filed 4/20/04 have been fully considered but they are not persuasive. ***

On page 51, first paragraph of response applicant argued that a consensus was made to the difference between Takahisa and applicant's approach of obtaining music information on a second music program from the data stream associated with the first musical channel while the first music channel is being played.

The examiner disagrees. Takahisa teaches tuner A 1904 and tuner B 1906 , each of which can be independently tuned to different frequencies (column 20, lines 30-31 and column 20, lies 34-38 and figure 19) and further more, Takahisa teaches a driver is listening to an opera program on a public radio station and begins to get too far fron the station to receive a clear signal , tuner B 1906 can identify other staions, and indicate other city station (column 21, lines 58-67) .

To sum up, analyzing applicant's amendment to the pending claims and Takahisa teaching is recited in the rejection and response to applicant's argument , that Takahisa anticipates the subject matter of applicant's claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TBG

June 15, 2004

TILAHUN GESESSE
PATENT EXAMINER

Art unit 2684